

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUÑIZ, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, JOHN DOE, and THOMAS
BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

JURY TRIAL DEMANDED

PLAINTIFFS' PROPOSED VERDICT FORM

FIRST CLAIM: 42 U.S.C. § 1985(3)

1. As instructed, you must take as true that Defendants Elliott Kline and Robert “Azzmador” Ray entered a conspiracy to engage in racially motivated violence, and that racially motivated violence occurred as a result of that conspiracy. For Defendants other than Elliott Kline and Robert “Azzmador” Ray, please indicate (by marking each appropriate line with a check mark) which of the following you find,¹ by a preponderance of the evidence, also entered into an agreement with one or more co-conspirators to engage in racially motivated violence.

_____ ALL DEFENDANTS (If you check here, proceed to Question 2.)

If not all Defendants, specify which ones:

_____ Jason Kessler	_____ Michael Hill
_____ Richard Spencer	_____ Michael Tubbs
_____ Christopher Cantwell	_____ League of the South
_____ James Alex Fields, Jr	_____ Vanguard America
_____ Jeff Schoep	_____ Nationalist Socialist Movement
_____ Nathan Damigo	_____ Identity Evropa
_____ Mathew Heimbach	_____ Traditionalist Worker Party
_____ Mathew Parrott	

2. For the conspiracy to commit racially motivated violence referenced in Question 1, did Plaintiffs prove by a preponderance of the evidence that they sustained injuries as a result of that conspiracy?

_____ YES _____ NO

Please proceed to Question 3.

¹ Plaintiffs’ proposed verdict sheet omits those Defendants against whom an entry of default has been entered by the clerk, or against whom the Honorable Judge Hoppe has recommended an entry of default (the “Defaulted Defendants”). ECF No. 268 (Andre Anglin, Moonbase Holdings, LLC); ECF No. 269 (East Coast Knights of the Ku Klux Klan); ECF No. 270 (Fraternal Order of the Alt-Knights); ECF No. 271 (Augustus Sol Invictus); ECF No. 280 (Loyal White Knights of The Ku Klux Klan); and ECF No. 967 (Nationalist Front). Plaintiffs intend to move the Court for an entry of default judgment against the Defaulted Defendants under Federal Rule of Civil Procedure 55(b). If the Court determines that the jury should assess the amount of any damages against the Defaulted Defendants, Fed. R. Civ. P. 55(b)(2), Plaintiffs will submit an amended proposed verdict sheet at the Court’s request.

3. For each Plaintiff who you found for on Claim 1, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the injuries sustained as a result of the conspiracy.

Natalie Romero:	\$ _____
April Muñiz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____
Seth Wispelwey:	\$ _____
Devin Willis:	\$ _____

4. If you found for Plaintiffs as to Claim 1, do you find that punitive damages should be awarded against at least one Defendant?

_____ YES _____ NO

5. If you answered, “YES,” to Question 4, on the following lines, please state the total punitive damages, if any, you are assessing against any such Defendant:

Jason Kessler:	\$ _____
Richard Spencer:	\$ _____
Christopher Cantwell:	\$ _____
James Alex Fields, Jr:	\$ _____
Robert “Azzmador” Ray:	\$ _____
Nathan Damigo:	\$ _____
Elliott Kline:	\$ _____
Mathew Heimbach:	\$ _____
Matthew Parrott:	\$ _____
Michael Hill:	\$ _____
Michael Tubbs:	\$ _____
Jeff Schoep:	\$ _____
Vanguard America:	\$ _____
League of the South:	\$ _____
Identity Evropa:	\$ _____
Traditionalist Worker Party:	\$ _____
Nationalist Socialist Movement:	\$ _____

Please proceed to Question 6 on the next page.

SECOND CLAIM: 42 U.S.C. § 1986

6. Did Plaintiffs prove by a preponderance of the evidence their claim that one or more Defendants had knowledge of the conspiracy found in Claim 1 and failed to prevent that conspiracy from taking place in violation of 42 U.S.C. § 1986?

_____ YES _____ NO

If you answered “NO,” to Question 6, please skip to Question 11. If you answered, “YES,” proceed to Questions 7-8.

7. If you answered “**YES**,” to Question 6, please indicate (by marking each appropriate line with a check mark), any and all Defendants against whom you find that Plaintiffs proved their 42 U.S.C. § 1986 claim:

_____ ALL DEFENDANTS (If you check here, proceed to Question 8.)

If not all Defendants, specify which ones:

_____ Jason Kessler	_____ Michael Hill
_____ Richard Spencer	_____ Michael Tubbs
_____ Christopher Cantwell	_____ Jeff Schoep
_____ James Alex Fields, Jr	_____ Vanguard America
_____ Robert “Azzmador” Ray	_____ League of the South
_____ Nathan Damigo	_____ Identity Evropa
_____ Elliott Kline	_____ Traditionalist Worker Party
_____ Mathew Heimbach	_____ Nationalist Socialist Movement
_____ Mathew Parrott	

8. For each Plaintiff who you found for as to Claim 2, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the injuries sustained as a result of the Defendants’ failure to prevent the Section 1985(3) conspiracy.

Natalie Romero:	\$ _____
April Muñoz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____
Seth Wispelwey:	\$ _____
Devin Willis:	\$ _____

9. If you found for Plaintiffs on Claim 2, do you find that punitive damages should be awarded against at least one Defendant?

_____ YES _____ NO

10. If you answered, “**YES**,” to Question 9, on the following lines, please state the total punitive damages, if any, you are assessing against any such Defendant:

Jason Kessler:	\$ _____
Richard Spencer:	\$ _____
Christopher Cantwell:	\$ _____
James Alex Fields, Jr:	\$ _____
Robert “Azzmador” Ray:	\$ _____
Nathan Damigo:	\$ _____
Elliott Kline:	\$ _____
Mathew Heimbach:	\$ _____
Matthew Parrott:	\$ _____
Michael Hill:	\$ _____
Michael Tubbs:	\$ _____
Jeff Schoep:	\$ _____
Vanguard America:	\$ _____
League of the South:	\$ _____
Identity Evropa:	\$ _____
Traditionalist Worker Party:	\$ _____
Nationalist Socialist Movement:	\$ _____

Please proceed to Question 11.

THIRD CLAIM: CIVIL CONSPIRACY

11. Did Plaintiffs prove by a preponderance of the evidence each element of their Virginia state law civil conspiracy claim?

_____ YES _____ NO

If you answered “NO,” to Question 11, please skip to Question 16.

12. If you answered “**YES**,” to Question 11, please indicate (by marking each appropriate line with a check mark) which of the following Defendants you find, by a preponderance of the evidence, were members of that conspiracy.

_____ ALL DEFENDANTS (If you check here, proceed to next question.)

If not all Defendants, specify which ones:

_____ Jason Kessler	_____ Michael Hill
_____ Richard Spencer	_____ Michael Tubbs
_____ Christopher Cantwell	_____ Jeff Schoep
_____ James Alex Fields, Jr	_____ Vanguard America
_____ Robert “Azzmador” Ray	_____ League of the South
_____ Nathan Damigo	_____ Identity Evropa
_____ Elliott Kline	_____ Traditionalist Worker Party
_____ Mathew Heimbach	_____ Nationalist Socialist Movement
_____ Mathew Parrott	

13. For each Plaintiff who you found for as to Claim 3, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the injuries sustained as a result of the civil conspiracy.

Natalie Romero:	\$ _____
April Muñoz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____
Seth Wispelwey:	\$ _____
Devin Willis:	\$ _____

14. If you found for at least one Plaintiff as to Claim 3, do you find that punitive damages should be assessed against at least one Defendant?

_____ YES _____ NO

15. If you answered, “**YES**,” to Question 14, on the following lines, please state the total punitive damages you are assessing against any such Defendant:

Jason Kessler:	\$ _____
Richard Spencer:	\$ _____
Christopher Cantwell:	\$ _____
James Alex Fields, Jr:	\$ _____
Robert “Azzmador” Ray:	\$ _____
Nathan Damigo:	\$ _____
Elliott Kline:	\$ _____
Mathew Heimbach:	\$ _____
Matthew Parrott:	\$ _____
Michael Hill:	\$ _____
Michael Tubbs:	\$ _____
Jeff Schoep:	\$ _____
Vanguard America:	\$ _____
League of the South:	\$ _____
Identity Evropa:	\$ _____
Traditionalist Worker Party:	\$ _____
Nationalist Socialist Movement:	\$ _____

Please proceed to Question 16.

FOURTH CLAIM: VIRGINIA CODE § 8.01-42.1

16. Plaintiffs Natalie Romero, April Muñiz, Elizabeth Sines, Marissa Blair, Marcus Martin, Chelsea Alvarado, Devin Willis, and Seth Wispelwey bring a claim under Virginia Code § 8.01-42, against Defendants Jason Kessler, Richard Spencer, Elliot Kline, James Alex Fields, Jr., Robert “Azzmador” Ray, and Christopher Cantwell. Did Plaintiffs prove by a preponderance of the evidence each element of their claim that one or more of those Defendants subjected them to racial, religious or ethnic harassment, violence or vandalism in violation of Virginia Code § 8.01-42.1?

_____ YES _____ NO

If you answered “NO,” to Question 16, please skip to Question 20. If you answered, “YES,” proceed to Questions 17-19.

17. If you answered “**YES**,” to Question 16, please indicate ((by making each appropriate line with a check mark) any and all Defendants against whom you find that Plaintiffs proved their Virginia Code § 8.01-42.1 claim.

_____ ALL DEFENDANTS (If you check here, proceed to next question.)

If not all Defendants, specify which ones:

_____ Jason Kessler
_____ Richard Spencer
_____ Elliot Kline
_____ James Alex Fields, Jr
_____ Robert “Azzmador” Ray
_____ Christopher Cantwell

18. For each Plaintiff who you found for as to Claim 4, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the resulting injuries.

Natalie Romero:	\$ _____
April Muñiz:	\$ _____
Seth Wispelwey:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____
Devin Willis:	\$ _____

19. For each Defendants against whom you found that Plaintiffs proved their Virginia Code § 8.01-42.1 claim, you must decide whether to assess punitive damages. Please indicate on the lines below which Defendants, if any, you assess punitive damages against and state the amount.

YES/NO

Punitive Damages

_____ Jason Kessler	\$ _____
_____ Richard Spencer	\$ _____
_____ Elliot Kline	\$ _____
_____ James Alex Fields, Jr	\$ _____
_____ Robert “Azzmador” Ray	\$ _____
_____ Christopher Cantwell	\$ _____

FIFTH CLAIM: ASSAULT OR BATTERY

20. Plaintiffs Natalie Romero, April Muñiz, Thomas Baker, Elizabeth Sines, Marissa Blair, Marcus Martin, and Chelsea Alvarado, bring a claim for assault or battery against Defendant James Alex Fields Jr. Did Plaintiffs prove by a preponderance of the evidence each element of their claim for assault or battery?

_____ YES _____ NO

21. For any Plaintiff who you found for as to Claim 5, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the resulting injuries.

Natalie Romero:	\$ _____
April Muñiz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____

22. If you found for at least one Plaintiff as to Claim 5, do you find that punitive damages should be awarded?

_____ YES _____ NO

23. If you answered, "**YES**," to Question 22, on the following lines, please state the total punitive damages you are assessing against Defendant James Alex Fields for these claims:

\$ _____

SIXTH CLAIM: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

24. Plaintiffs Natalie Romero, April Muñiz, Thomas Baker, Elizabeth Sines, Marissa Blair, Marcus Martin, and Chelsea Alvarado, bring a claim for intentional infliction of emotional distress against Defendant James Alex Fields Jr. Did Plaintiffs prove by clear and convincing evidence each element of their claim for intentional infliction of emotional distress?

_____ YES _____ NO

If you answered “NO,” to Question 24, please proceed to Question 28.

25. For each Plaintiff who you found for as to Claim 6, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the resulting injuries.

Natalie Romero:	\$ _____
April Muñiz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____

26. If you found for at least one Plaintiff as to Claim 6, do you find that punitive damages should be awarded?

_____ YES _____ NO

27. If you answered, “**YES**,” to Question 26, on the following lines, please state the total punitive damages you are assessing against Defendant James Alex Fields for these claims:

\$ _____

SEVENTH CLAIM: NEGLIGENCE PER SE

28. Plaintiffs Natalie Romero, April Muñiz, Thomas Baker, Elizabeth Sines, Marissa Blair, Marcus Martin, and Chelsea Alvarado, bring a claim of negligence per se against Defendant James Alex Fields Jr. Did Plaintiffs prove by a preponderance of the evidence each element of their negligence per se claim?

_____ YES _____ NO

If you answered “NO,” to Question 28, please proceed to the end.

29. For each Plaintiff who you found for as to Claim 7, please state the total compensatory damages that will fully and fairly compensate that Plaintiff for the resulting injuries.

Natalie Romero:	\$ _____
April Muñiz:	\$ _____
Thomas Baker:	\$ _____
Elizabeth Sines:	\$ _____
Marissa Blair:	\$ _____
Marcus Martin:	\$ _____
Chelsea Alvarado:	\$ _____

END – STOP HERE

Date: October 12, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Bloch", written over a horizontal line.

Roberta A. Kaplan (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
Yotam Barkai (*pro hac vice*)
Emily C. Cole (*pro hac vice*)
Alexandra K. Conlon (*pro hac vice*)
Jonathan R. Kay (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, 63rd Floor
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
mbloch@kaplanhecker.com
ybarkai@kaplanhecker.com
ecole@kaplanhecker.com
aconlon@kaplanhecker.com
jkay@kaplanhecker.com
Counsel for Plaintiffs

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
Yotam Barkai (*pro hac vice*)
Emily C. Cole (*pro hac vice*)
Alexandra K. Conlon (*pro hac vice*)
Jonathan R. Kay (*pro hac vice*)
Benjamin D. White (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
mbloch@kaplanhecker.com
ybarkai@kaplanhecker.com
ecole@kaplanhecker.com
aconlon@kaplanhecker.com
jkay@kaplanhecker.com
bwhite@kaplanhecker.com

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahil@cooley.com

Karen L. Dunn (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Arpine S. Lawyer (*pro hac vice*)
Giovanni Sanchez (*pro hac vice*)
Matteo Godi (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Fax: (202) 223-7420
kdunn@paulweiss.com
jphillips@paulweiss.com
wisaacson@paulweiss.com
alawyer@paulweiss.com
gsanchez@paulweiss.com
mgodi@paulweiss.com

Makiko Hiromi (*pro hac vice*)
Nicholas A. Butto (*pro hac vice*)
Agbeko Petty (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3000
Fax: (212) 757-3990
mhiromi@paulweiss.com
nbutto@paulweiss.com
apetty@paulweiss.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
Caitlin B. Munley (*pro hac vice*)
Samantha A. Strauss (*pro hac vice*)
Alexandra Eber (*pro hac vice*)
Daniel Philip Roy, III (*pro hac vice*)
Allegra Flamm (*pro hac vice*)
Gemma Seidita (*pro hac vice*)
Khary Anderson (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com
cmunley@cooley.com
sastrauss@cooley.com
aeber@cooley.com
droy@cooley.com
aflamm@cooley.com
gseidita@cooley.com
kjanderson@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2021, I served the following via electronic mail:

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

*Counsel for Defendants Jason Kessler,
Nathan Damigo, and Identity Europa, Inc.
(Identity Evropa)*

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,
Michael Tubbs, and League of the South*

Joshua Smith
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216-2079
joshsmith2020@gmail.com

*Counsel for Defendants Matthew Parrott,
Traditionalist Worker Party and Matthew
Heimbach*

David L. Campbell
Justin Saunders Gravatt
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
dcampbell@dhdglaw.com
jgravatt@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep,
National Socialist Movement, Nationalist
Front, Matthew Parrott, Traditionalist
Worker Party and Matthew Heimbach*

I hereby certify that on October 12, 2021, I also served the following via mail and electronic mail:

Richard Spencer
richardbspencer@icloud.com
richardbspencer@gmail.com

Christopher Cantwell

Christopher Cantwell 00991-509
Grady County Law Enforcement Center
215 N. 3rd St.
Chickasha, OK 73018

and

Christopher Cantwell 00991-509
USP Marion, 4500 Prison Rd.
P.O. Box 2000
Marion, IL 62959

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Robert "Azzmador" Ray
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com
eli.r.kline@gmail.com



Michael L. Bloch (*pro hac vice*)
Kaplan Hecker & Fink LLP

Counsel for Plaintiffs